Remarks/Arguments

In this reply, claims 1, 5, 6, 7, 10, 11, 15, 19-21, 24, 25, and 29-31 have been amended. Claims 12-14 and 26-28 are cancelled.

Rejections under 35 U.S.C. § 102

In the Office Action, the Examiner rejected claims 1-31 under 35 U.S.C. § 102(a) as being anticipated by U.S. Patent App. Pub. No. 2003/0087673 to Walton et al. ("*Walton*"). Note that although the Examiner rejected claims 1-31 under 35 U.S.C. § 102(e), presumably the Examiner is rejecting claims 1-31 under 35 U.S.C. § 102(a) instead since the publication date of *Walton* predates the filing date of the pending application. Applicant respectfully requests reconsideration of this rejection for at least the following reasons.

As to claim 1, claim 1 has been amended and currently recites:

> A method, comprising:
>
> operating in a multiple input, multiple output (MIMO) mode by a wireless network device of a wireless network, the wireless network including at least one transmitter device and a plurality of receiver devices, the wireless network device being one of the receiver devices; and
>
> in the event of a predetermined condition, the wireless network device switching from operating in the MIMO mode to operating in a spatial division, multiple access (SDMA) mode.

In the Office Action, the Examiner cites *Walton* as teaching each and every feature of original claim 1. *Walton*, in brief, discloses allocating downlink resources such as communication channels to terminals of a wireless network in a multiple-input multiple-output (MIMO) system. Specifically, *Walton* appears to teach a scheduling process that assigns multiple communication channels for communication between a base station (i.e., transmitter device) and one or more terminals (i.e., receiver devices) of a wireless network based on various factors such as SNR of the channels, latency of the terminals, data rates, throughput, quality of service desired at the terminals, and so forth.

Although *Walton* may arguably teach, which the Applicant disputes, that during such a process the base station may switch between a MIMO mode, a spatial division,

multiple access (SDMA) mode, and a mix MIMO/SDMA mode based on the factors described above, *Walton* also specifically teaches that the terminals of the wireless network are either MIMO dedicated terminals or SIMO (i.e., SDMA) dedicated SIMO terminals. See, for example, paragraphs [0033], [0035], and [0047] of *Walton*. That is, the receiver devices (i.e., terminals), as taught in *Walton*, **do not** switch between MIMO mode and SDMA mode. Thus, *Walton* **does not** teach "operating in a multiple input, multiple output (MIMO) mode by a wireless network device of a wireless network, the wireless network including at least one transmitter device and a plurality of receiver devices, the wireless network device being one of the receiver devices; and in the event of a predetermined condition, the wireless network device switching from operating in the MIMO mode to operating in a spatial division, multiple access (SDMA) mode" as recited in amended claim 1. For at least this reason, claim 1 is patentable over *Walton* under 35 U.S.C. § 102(a).

Independent claim 7 has been amended to include features similar to those of claim 1 except that the method as recited in claim 7 reverses the process of claim 1 (i.e., switching from SDMA mode to MIMO mode rather than from MIMO mode to SDMA mode as recited in claim 1). Thus, for at least the reasons that claim 1 is patentable over *Walton*, claim 7 is likewise patentable over *Walton*. Independent claims 15, 21, and 29 have been amended to include features similar to those of claims 1 and 7, and are, therefore, likewise patentable over *Walton*.

Claims 2-6, 8-11, 16-20, 22-25, 30, and 31 depend from independent claims 1, 7, 15, 21, and 29, incorporating their recitations. Thus, for at least the same reasons that claims 1, 7, 15, 21, and 29 are patentable over *Walton*, claims 2-6, 8-11, 16-20, 22-25, 30, and 31 are likewise patentable over *Walton*.

As previously alluded to, claims 12-14 and 26-28 have been cancelled. Therefore, this rejection as it relates to claims 12-14 and 26-28 is rendered moot.

Further, with respect to dependent claims 4 and 18, the Examiner alleged that the features "the predetermined condition includes a number of collisions exceeding a predetermined value" as recited in claims 4 and 18 are taught in paragraphs [0041], [0079], and [0088] of *Walton*. Applicant respectfully disagrees. In particular, Applicant

is unable to discern where in those cited passages are such features taught. If the Examiner chooses to maintain this rejection then the Applicant requests that the Examiner, with specificity, indicate where in the cited passages of *Walton* are such features taught.

CONCLUSION

In view of the foregoing, Applicant respectfully submits that all pending claims are in condition for allowance. Early issuance of the Notice of Allowance is respectfully requested.

Please charge any shortages and credit any overages to Deposit Account No. 500393.

Respectfully submitted,

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Dated: 02/28/2007

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